

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 2708 of 1988

with

SPECIAL CIVIL APPLICATION No 161 of 1987

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.SHAH

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
 5. Whether it is to be circulated to the Civil Judge? : NO

M T APPACHU

Versus

N T C (GUJ) LTD

Appearance:

MR AKIL KURESHI for Petitioner

MR SI NANAVATI for Respondent No. 1, 2

CORAM : MR.JUSTICE M.S.SHAH

Date of decision: 25/02/2000

ORAL JUDGEMENT

The petitioner in Special Civil Application No. 2708/88 was a Spinning Master in Jehangir Textile Mills and the petitioner in Special Civil Application No. 161/87 was a Printing Master in New Manekchowk Textiles

Mills. Both the Mills were nationalized and taken over by the National Textile Corporation (Gujarat) Ltd. under the Sick Textile Undertakings (Nationalization) Act, 1974. The petitioner in Special Civil Application No. 2708/88 was appointed by the National Textile Corporation (Gujarat) Ltd. in the year 1978. The petitioner in Special Civil Application No. 161/87 was employed with a private mill which was taken over by the National Textile Corporation (Gujarat) Ltd. under the aforesaid Act and thereafter upon such nationalization the said petitioner was continued on the same post. The common case of the petitioners in both these petitions is that at the time of their appointment, the age of superannuation was 60 years, but subsequently by the resolution of the Board of Director of the National Textile Corporation (Gujarat) Ltd. at the 93rd meeting held on 15.1.1985 and as reflected in the Office Order dated 22.1.1985 the age of their superannuation came to be revised from 60 years to 58 years. The aforesaid Office Order is under challenge in these petitions.

The relevant extract of the aforesaid Office Order is reproduced as under :-

" HEAD OFFICE

1. The retirement age in case of employees
in the Head Office of the Corporation
which is presently 58 years remains
unchanged.

MILL UNITS

2. The retirement age for the Awarded Staff
in the Mill Unit under the Corporation
which is presently 60 years remains
unchanged.
3. The age of retirement of employees not
covered under the BIR Act, 1946 and who
are the non-awarded staff in the mill
units under the Corporation will be 58
years.

4. These orders shall come into force with
immediate effect."

2. The petitioners have raised various challenges. However, it is not necessary to enumerate them nor to deal with them in any details as the controversy raised

in these petitions is squarely covered by the judgment 25.1.1993 of the Division Bench of this Court in LPA No. 159/85 in Special Civil Application No. 948/85. There is no dispute about the fact that neither of the petitioners herein is a workman so as to be a part of the award staff and as per the office order the age of the retirement of the petitioners is 58 years. Since the controversy is squarely covered by the aforesaid judgment of the Division Bench in LPA No. 159/85, it is not necessary to say anything more in this matter.

3. The petitions are, therefore, dismissed. Rule is discharged. There shall be no order as to costs.

February 25, 2000 (M.S. Shah, J.)
sundar/-